IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 4TH JULY 2006 / 13TH ASHADA 1928

Bail Appl..No. 3974 of 2006()

CMP.2249/2006 of J.M.F.C., ADOOR
C.R.NO.40/2006 OF ADOOR EXCISE RANGE

.....

PETITIONER/ACCUSED:

RAJEEV, RAJEEV BHAVANAM,
POOZHIKAD MURI, KURUMBALA VILLAGE,
ADOOR, PATHANAMTHITTA DISTRICT.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR

RESPONDENTS: STATE & COMPLAINANT:

---

1. STATE OF KERALA, REPRESENTED BY
THE DIRECTOR OF PUBLIC PROSECUTIONS,
HIGH COURT OF KERALA, ERNAKULAM.

2. EXCISE RANGE INSPECTOR,
ADOOR EXCISE RANGE, PATHANAMTHITTA.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

- - - - - - - - - - - - - - - - - - - -

B.A. No. 3974 of 2006

- - - - - - - - - - - - - - - - - - - -

Dated this the 4th day of July, 2006

O R D E R

The petitioner is an accused in C.R.No.40/2006 of Adoor Excise Range for the offence punishable under Sections 55 (a) and 67(b) of the Abkari Act. It is alleged that the Excise Officials had seized 35 litres of spirit from his scooter on 06/06/2006. The petitioner was arrested on the same day and remains in judicial custody. Hence this application for bail.

2. When the matter came up for consideration, learned Public Prosecutor submitted upon instructions that the petitioner is also accused in C.R.No.126/2005 of the same Excise Range and he could not be arrested and his arrest has now been recorded in this case, as well.

3. Considering the above facts and in view of the provisions of the law under Section 41A of the Abkari Act, I hold that it cannot be said at this stage, that the petitioner will not repeat the same offence, on his release on bail in this application. Hence, I dismiss this application.

(J.M.JAMES)
Judge

ms